

Exhibit A

From: Karen Davis <kdavis@fnlawfirm.com>
Sent: Tuesday, April 4, 2017 1:13 PM
To: Richard North; Maria Turner; Matthew Lerner
Cc: Charlotte Gulewicz; Matthew McCarley
Subject: McBride v. C. R. Bard, Inc et al 2:17-cv-00876-DGC
Attachments: File Stamped Complaint.pdf; Request to Waive Service_PDF_.pdf

Counselors,

Please see that attached short form complaint and request for waiver of service. If there are any questions please let me know.

Thank you,



Connect with us!



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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Bernardette McBride

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant: **Massachusetts**

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury: **Massachusetts**

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Massachusetts

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court- District of Massachusetts

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):



Recovery[®] Vena Cava Filter



G2[®] Vena Cava Filter



G2[®] Express Vena Cava Filter



G2[®] X Vena Cava Filter



Eclipse[®] Vena Cava Filter



Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

10/16/2016

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect
(Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable MA (insert state) Law

Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

RESPECTFULLY SUBMITTED this 23rd day of March, 2017.

/s/ MATTHEW R. MCCARLEY

Matthew R. McCarley

Texas Bar No. 24041426

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ATTORNEY FOR THE PLAINTIFF

I hereby certify that on this 23rd day of March, 2017, I

electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ MATTHEW R. MCCARLEY

UNITED STATES DISTRICT COURT

for the
District of Arizona

Bernardette McBride

Plaintiff

v.

C.R. Bard, Inc. et al

Defendant

Civil Action No. 2:17-cv-00876

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: C.R. Bard, Inc. and Bard Peripheral Vascular, Inc.

*(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)***Why are you getting this?**

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days (*give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States*) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 04/04/2017/s/ Matthew R. McCarley*Signature of the attorney or unrepresented party*Matthew R. McCarley*Printed name*

Fears | Nachawati PLLC
4925 Greenville Ave., Suite 715
Dallas, Texas 75206

*Address*mccarley@fnlawfirm.com*E-mail address*(214) 890-0711*Telephone number*